

REMARKS

Claims 1-18 are pending in the application. Claims 16-18 are withdrawn from consideration. Claims 1-15 stand rejected. Claim 1 and 16 are independent claim.

Claim 1 has been amended herein to clarify the claimed feature. Applicant relies on the specification and drawings for support. For example Fig. 6, item 244. No new matter is entered.

Drawing stand objected as allegedly failing to be easily discernable.

The Applicant respectfully submits that the submitted FIG.3 clearly shows presence of the crater-shaped recesses within the area marked with circles A, B, and C. As such, the Applicant believes that the drawing is discernable, and the Applicant respectfully requests withdrawal of the objection.

Claims 1-15 stand objected. The Office Action indicates that the “recesses, of claim 1, cannot be located entirely on a surface since they must recess into the inner portion.” Moreover, the Office Action indicates that it interprets the recesses to be located adjacent to the outer circumferential surface.

Under MPEP 2111.01, “the words of [the claims] must be given their ‘**plain meaning**’ unless they are defined in the specification.”

The Applicant respectfully submits that neither claim 1 nor the description portion of the specification indicates that the each recess **must** recess into the inner portion or that the recess **must** be located adjacent to the circumferential surface of the tube. As such, the conclusion and the interpretation of the Office Action are contrary to the plain meaning rule of MPEP 2111.01. The Applicant respectfully requests withdrawal of the objection.

Claims 1, 2 and 14 are again rejected under 35 U.S.C §102(e), as allegedly being anticipated by Konstadinidis *et al.* (U.S. Pub. 2005/0184411) (“Konstadinidis”).

Independent Claim 1 recites, *inter alia*, “a hollow cylindrical tube containing the transmission medium therein, **the tube having a plurality of recesses formed on and recessing from an outer circumferential surface.**”

The Office Action argues that Konstadinidis shows this feature in Fig. 1, recesses (12). However recesses (12) are not formed on and recessing from an outer circumferential surface.

Recesses (12) are formed in the tube from end sections and recess from end sections of the tube. There is no description in the cited reference of recesses formed on and recessing from an outer circumferential surface as claimed by applicant.

The Office Action indicates that each microduct 12 contained in the optical fiber cable disclosed in Figure 1 of Konstadinidis is equivalent to the recess recited in claim 1. Konstadinidis discloses (1) an optical fiber cable containing a plurality of microducts 12 and (2) a microduct cable 13 contained in each microduct 12 of the optical fiber cable (Figure 1 and 2).

However, neither one of the disclosed cables has a plurality of recesses formed on its outer circumferential surface.

Therefore, Konstadinidis fails to set forth all the claimed features as recited in claim 1. Applicant respectfully submits that Konstadinidis fails to anticipate claim 1; thus, Applicant respectfully requests withdrawal of the rejection.


Other claims in this application are each dependent on the independent claim 1 and believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

Amendment
Serial No. 10/284,302

Should the Examiner deem that there are any issues which may be best resolved by telephone, please contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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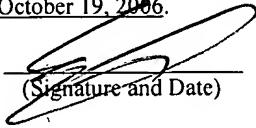
Date: October 19, 2006

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